

SUPPORT FOR THE AMENDMENT

Claims 1-35, 37-45, and 47-50 were previously canceled.

Claims 36 and 52 have been amended.

The amendment of Claim 36 is supported by the originally filed claims and the specification at page 5, lines 5-8, page 7, line 26 to page 12, line 20, page 16, lines, page 15, line 28 to page 17, line 18, and page 18, lines 6-27, as well as the Examples. Claim 52 has been amended to correct a typographical error resulting in “thaliana” improperly appearing as “thaliania”.

No new matter is believed to have been introduced by the present amendment.

REMARKS

Claims 36, 46, and 51-61 are pending in the present application.

The rejection of Claims 36, 46, and 51-61 under 35 U.S.C. § 112, first paragraph (enablement), is believed to be obviated by amendment.

Applicants make no statement with respect to the propriety of this ground of rejection and in no way acquiesce to the same. Solely to expedite examination of this application, Applicants have amended Claim 36 based on the Examiner's identification of subject matter that is fully enabled and supported by, at least, page 16, top paragraph and page 18, 2<sup>nd</sup> full paragraph (see page 3, lines 9-12 of the Office Action mailed April 14, 2009). Additionally, it is believed that the amended claims are free from the art of record and otherwise allowable in view of the Examiner's indication at paragraph 9 on page 4 of the Office Action mailed April 14, 2009.

Withdrawal of this ground of rejection is requested.

Applicants make no statement with respect to the propriety of the rejection of Claims 36, 46, and 51-61 under the judicially created doctrine of obviousness-type double patenting over claims 8-11, 19-22, 29-33, 41-44, 52-55, and 63-66 of U.S. 6,727,408 and in no way acquiesce to the Examiner's allegation of obviousness-type double patenting. Solely to expedite examination allowance of this application, Applicants **submit herewith** a Terminal Disclaimer over U.S. 6,727,408. Withdrawal of this ground of rejection is requested.

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The objection to Claim 52 is obviated by amendment to replace "thaliania" with "thaliana". Withdrawal of this ground of objection is requested.

Applicants submit that the application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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